



A Professional Limited Liability Company  
307 North Michigan Avenue, Suite 1020  
Chicago, Illinois 60601  
Telephone: 312-372-3930  
Facsimile: 312-372-3939

**CLIENT UPDATE**  
**April 3, 2009**

---

**Your Company May Be Required to Implement a Written Identity Theft Program**

In 2003, Congress passed a law requiring the Federal Trade Commission and several other federal agencies to issue joint regulations regarding the detection, prevention, and mitigation of identity theft. Late last year, these agencies released the regulations, which require “creditors” to establish a written identity theft program by May 1, 2009. If your company regularly provides services to its subscribers prior to being paid for the services, your company probably falls under the definition of a “creditor” subject to the regulations.

Under the regulations, creditors must adopt reasonable written policies and procedures to identify for their accounts relevant “Red Flags” (defined as a “pattern, practice or specific activity that indicates the possible existence of identity theft”), detect these Red Flags, respond to any Red Flags to prevent and mitigate identity theft, and ensure that the company’s identity theft program is updated periodically. There are no exceptions to the requirements for small cable operators or other small businesses. That said, the program may be tailored to “the size and complexity of the [company] and the nature and scope of [the company’s] activities.”

If your company has questions about whether these regulations apply to it, or if your company has questions about implementing its identity theft program, please call Heidi Schmid at (312) 372-3930

**Form 499A Was Due April 1, 2009**

Every interconnected VoIP provider and telecommunications carrier was required to file their annual Form 499A with the Universal Service Administration Company on or before April 1, 2009. This includes any entity that relies on the *de minimus* exception for contributions to universal service.

The 2009 Form 499A is available at <http://www.fcc.gov/Forms/Form499-A/499a-2009.pdf> .

If you have any questions regarding Form 499A or your filing requirements, please contact Bruce Beard at (636) 778-0646.

---

Please visit our website at <http://www.cinnamonmueller.com> to learn more about our lawyers and practice. You can reach Cinnamon Mueller at 312-372-3930. *This update is provided by the law firm of Cinnamon Mueller. The document is intended for informational purposes only as a service to clients of Cinnamon Mueller and to the members of the American Cable Association. It is not intended to provide specific legal advice or to substitute obtaining appropriate legal counsel. We encourage you to consult with counsel to address special compliance issues and for assistance in negotiating or handling any such matter referred to in the update.*